

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANE DOE, et al.,
Plaintiffs,
v.

SANTA CLARA COUNTY
DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.,
Defendants.

Case No. 22-cv-04948-JSW

**ORDER DISCHARGING ORDER TO
SHOW CAUSE, DISMISSING
DEFENDANT CLARK, ORDERING
DKT. NO. 57 BE SEALED, AND
ADMONISHING COUNSEL**

Re: Dkt. No. 56, 57

On February 9, 2024, this Court ordered Plaintiffs to show cause why the claims against Defendant Clark should not be dismissed for failure to serve pursuant to Federal Rule of Civil Procedure 4(m) or failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Plaintiffs filed a response on February 15, 2024, indicating that they did not oppose the dismissal without prejudice of Defendant Clark or Defendant Hernandez. (Dkt. No. 57.) The Court ORDERS that Defendant Clark is HEREBY DISMISSED, WITHOUT PREJUDICE pursuant to Rule 4(m).

The Order to Show Cause is HEREBY DISCHARGED.

The Declaration of David M. Meyers contains privileged attorney-client and psychotherapist-patient communications that should not have been published on the public docket. The Court therefore ORDERS that Docket No. 57 be sealed.

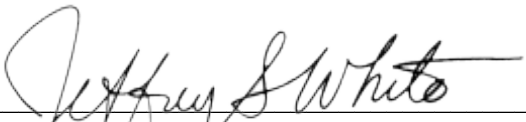
The Court is gravely concerned that Attorney Meyers violated his duties of competence, diligence, and loyalty to Plaintiffs by publishing their confidential and privileged communications. Further, Attorney Meyers' declaration evidences a lack of diligence on his part in prosecuting this action against Defendants Clark and Hernandez, as Attorney Meyers does not consider those

Defendants to be important. Attorney Meyers also appears unaware that Defendant Hernandez had previously been dismissed from this action under Rule 4(m). (Dkt. No. 54.)

Accordingly, the Court HEREBY ADMONISHES Attorney Meyers and warns that future violations of his ethical obligations to Plaintiffs will result in sanctions, including monetary sanctions, referral to the Standing Committee on Professional Conduct for further investigation pursuant to Civil Local Rule 11-6(a)(1), and/or referral to the State Bar of California.

IT IS SO ORDERED.

Dated: February 16, 2024



JEFFREY S. WHITE
United States District Judge